

[| NODIS Library](#) | [Human Resources and Personnel\(3000s\)](#) | [Search](#) |

NASA Procedural Requirements

COMPLIANCE IS MANDATORY**NPR 3730.1**Effective Date: June
04, 2012Expiration Date: June
04, 2017[Printable Format \(PDF\)](#)

Request Notification of Change

 (NASA Only)

Subject: NASA Suitability Program

Responsible Office: Office of Human Capital Management[| TOC](#) | [Preface](#) | [Chapter1](#) | [Chapter2](#) | [Chapter3](#) | [Chapter4](#) | [AppendixA](#) |
[AppendixB](#) | [ALL](#) |

Chapter 3. Adjudication

3.1 General

3.1.1 The Office of Personnel Management (OPM) may take a suitability action against an applicant, an appointee, or an employee and retains the right to adjudicate any case with evidence of material, intentional false statement, deception or fraud in examination or appointment, or evidence of a refusal to furnish testimony, as required under 5 C.F.R. 5.4.

3.1.2 The Center Human Resources Office (HRO) shall make a favorable or unfavorable suitability determination for all covered positions where the principles of reciprocity do not apply. Reciprocity is further discussed in Section 3.4 of this NPR.

3.1.3 Centers shall only take a suitability action against an applicant (someone applying for a covered position) or appointee (someone who has been hired but has not completed one year of service). Centers may not take a suitability action against an employee (someone hired who has completed one or more years of service) unless directed by OPM to do so.

3.1.4 Centers shall refer to OPM any suitability action against an employee based on the following:

- a. Material, intentional false statement, or deception or fraud in examination or appointment.
- b. Refusal to furnish testimony to OPM, Merit Systems Protection Board (MSPB), Special Counsel, or authorized representatives of these bodies.
- c. Any statutory or regulatory bar which prevents the lawful employment of the person involved in the position in question.

3.1.5 An unfavorable suitability decision is a sufficient basis for non-issuance or revocation of a personal identity verification card.

3.2 Responsibilities

3.2.1 The Director, Workforce Management and Development Division (WMDD), Office of

Human Capital Management (OHCM), shall ensure that the Suitability Program and these procedural requirements comply with applicable law and regulations.

3.2.2 Center Human Resources Directors shall:

- a. Ensure that those responsible for suitability adjudication have received appropriate training and hold the proper level of investigation.
- b. Conduct initial suitability screening for applicants prior to entry on duty.
- c. Implement procedures to ensure that personnel investigations for new hires are initiated, as appropriate, within prescribed timeframes, suitability adjudications are made within prescribed timeframes, and suitability adjudication records are disseminated appropriately.
- d. Advise managers/supervisors, human resources specialists, and administrative personnel in position risk designations, suitability determinations, and other personnel suitability matters.
- e. Coordinate with Center Protective Services staff to ensure that pre-appointment investigation requirements are satisfied, as required.
- f. Notify the Center Protective Services of all relevant personnel actions for persons in sensitive positions.
- g. Advise responsible Center management when a negative suitability determination is made for an applicant, appointee, or employee (if OPM directed).
- h. Notify OPM of all suitability adjudications.

3.2.3 The Office of Protective Services shall:

- a. Initiate the appropriate background investigation, if necessary, once notified by HR of a change in position or duties that increases the risk designation or sensitivity level.
- b. Forward Reports of Investigation (ROIs) to the HRO for suitability adjudication.

3.2.4 The Central Adjudication Facility (CAF) shall forward ROIs to the HRO for suitability adjudication upon completion of the National Security Clearance adjudication.

3.2.5 Supervisors shall:

- a. Work with their Center HRO to ensure that each position has an appropriate Risk and Sensitivity designation.
- b. If necessary, work with the Center's HRO to adjudicate any issues identified as a part of an employee investigation.
- c. If necessary, work with the Center's HRO to take appropriate action when a negative suitability determination is made for an applicant, appointee, or employee (if directed by OPM).

3.2.6 Applicants and Appointees shall:

- a. Promptly complete and submit required investigative forms to the requesting office.
- b. Promptly complete and submit required personnel forms to the requesting office.
- c. Provide additional information, as requested.

3.2.7 Suitability Adjudicators shall:

- a. Adjudicate background investigations in accordance with the laws, regulations, and criteria pertaining to suitability determinations as soon as possible but no later than 90 days after the final report of investigation from OPM is received.
- b. Report to OPM the suitability determination and any suitability action taken.

3.2.7.1 Adjudicators will have a background investigation equal to or higher than the cases handled and be trained in adjudication procedures.

3.3 Investigations

3.3.1 Investigations, if required, shall be initiated before appointment or, at most, within 14 working days of placement in the position.

3.3.2 If suitability issues develop prior to the completion of OPM's investigation, the Center may request additional information from the applicant or appointee sufficient to resolve the issues and support a suitability determination or action, if warranted. A tentative favorable determination does not negate the need to complete the requisite background investigation required for the position.

3.4 Reciprocity

3.4.1 Centers shall not make a new suitability determination for a person who has already been determined suitable or fit under 5 CFR 731 or equivalent criteria unless.

- a. A new investigation is required under 5 CFR 731.
- b. The Center obtains new information in connection with the person's appointment that calls into question the person's suitability.
- c. The investigative record on file for the person shows conduct that is incompatible with the core duties of the relevant covered position.

3.4.2 Persons appointed to the following positions are not subject to investigation when the person has already undergone a background investigation, has been in the Federal service continuously for at least one year, and has been determined suitable:

- a. Appointments, conversions to appointments, or transfers from one covered position to another with no break in service.
- b. Transfers or appointments from excepted service positions that are not covered positions to covered positions with no break in service, provided the person has been serving continuously for at least one year in a position where the person has been determined fit for appointment based on criteria equivalent to the factors provided at Suitability - Criteria for making suitability determinations.
- c. Appointment to a covered position of an employee currently working as a Federal contract employee, provided the person has been serving continuously for at least one year in a job where a Federal agency determined the contract employee was fit to perform work on a contract based on criteria equivalent to Suitability.

3.4.3 Positions that are intermittent, seasonal, per diem, or temporary, not to exceed an aggregate of 180 days per year in either a single continuous appointment or series of appointments, do not require a background investigation. Suitability for employment to appointments of this nature shall be determined through comprehensive reference checks prior to selection to verify information supplied by the applicant and to obtain other information that will help determine the individual's suitability to hold Federal employment.

3.4.4 A new investigation is required when:

- a. The covered position requires a higher level of investigation (due to increased Risk or Sensitivity) than previously conducted for the person being appointed.
- b. New information is discovered in connection with the person's appointment that calls the person's suitability into question.
- c. There has been a break in service.
- d. The investigation has exceeded the acceptable time period of reciprocity established by NASA (10 years - NACI), per NPR 1600.1, NASA Security Program Procedural

Requirements.

3.5 Information Sources

3.5.1 Suitability determinations may be made using all available information, such as, but not limited to:

- a. A completed OF 306 - Declaration for Federal Employment.
- b. FBI fingerprint results.
- c. A completed investigative form (e.g., SF 85, SF 85P, SF 86).
- d. An ROI from OPM.

3.6 Criteria

3.6.1 Suitability determinations shall be made using the criteria set forth in 5 CFR 731.202.

3.7 Unfavorable Suitability Determinations.

3.7.1 Center HROs are required to report to OPM all unfavorable suitability actions within 30 days after the action is taken.

3.7.2 The applicant, appointee, or employee will be afforded their appeal or due process rights under all appropriate authorities.

3.7.3 Center HROs will notify the applicant or appointee, in writing, of the proposed action, the charges against him/her, and the availability for review, upon request, of the materials relied upon in making the suitability determination. The notice shall:

- a. Contain the specific reasons for the proposed action.
- b. Inform the applicant or appointee of the right to respond, in writing, to the notice.
- c. Inform the applicant or appointee of the time limit to respond.
- d. Contain the address where written responses should be sent.
- e. Inform the applicant or appointee of the right to be represented by a representative of choice.
- f. Inform the applicant or appointee that the representative shall be designated in writing.
- g. Inform the applicant or appointee of the process to request a copy of the report of investigation from OPM.

3.7.4 Centers shall serve the notice of proposed action not less than 30 days from the effective date of the proposed action to the applicant or appointee's last known residence or duty station.

3.7.5 If the applicant or appointee is in a covered position on the date the notice is served, he or she is entitled to be retained in a pay status during the notice period.

3.7.6 The applicant may respond in writing to the notice of proposed action with additional information or affidavits supporting the response.

3.7.7 The final decision shall be:

- a. In writing.
- b. Dated.
- c. Inform the applicant or appointee of the reasons for the decision.

d. Inform the applicant or appointee of the right to appeal the decision to the MSPB.

3.7.8 If the final decision requires the removal of an appointee, the Center HRO will remove the appointee from the rolls within five work days of the final decision.

3.8 Actions

3.8.1 The Center HRO may take a suitability action against an applicant or an appointee when it is determined that the person is unsuitable for employment.

3.8.2 OPM may require that an appointee or an employee be removed on the basis of a material, intentional false statement, deception or fraud in examination or appointment, refusal to furnish testimony, or a statutory or regulatory bar which prevents the person's lawful employment.

3.8.3 OPM may cancel any reinstatement eligibility obtained as a result of a material, intentional false statement, deception, or fraud in examination or appointment.

3.8.4 A suitability action is one or more of the following:

- a. Withdrawal of a tentative job offer.
- b. Removal.
- c. Cancellation of reinstatement eligibility.
- d. Debarment.

Note: A non-selection or cancellation of eligibility for a specific position based on an objection to an eligible or pass over of a preference eligible is not a suitability action.

| [TOC](#) | [Preface](#) | [Chapter1](#) | [Chapter2](#) | [Chapter3](#) | [Chapter4](#) |
| [AppendixA](#) | [AppendixB](#) | [ALL](#) |

| [NODIS Library](#) | [Human Resources and Personnel\(3000s\)](#) |
| [Search](#) |

DISTRIBUTION: **NODIS**

This Document Is Uncontrolled When Printed.

Check the NASA Online Directives Information System (NODIS) Library
to Verify that this is the correct version before use: <http://nodis3.gsfc.nasa.gov/>
